

### **REMARKS**

This Amendment is made in response to the Official Action mailed July 28, 2010. Claims 2-10 have been canceled. Claims 18 and 19 have been amended. Accordingly, claims 1 and 11-20 remain pending in this application. Reconsideration and withdrawal of the objections and rejections of this application are respectfully requested in view of the above amendments, and further, in view of the following remarks.

Claims 1 and 11-20 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the word "Control" in claim 1 is alleged to be unclear. Applicant respectfully disagrees. First, the term itself would be understood by a skilled person. Second, it is quite clear what the control is in this particular situation because the specification clearly teaches what makes up the "Control" at Table 1, on page 8. Further, at page 12, lines 14-21, beneath the title "Cleaning efficacy and abrasivity testing," there is also a reference to Table 1 when mentioning the Control formulation. For these reasons, Applicant urges that the term "Control" is not indefinite. Favorable reconsideration of the rejection under Section 112, second paragraph, is requested.

Claim 18 has been amended in order to clarify that the term "SLS" refers to sodium lauryl sulphate. With regard to claim 19, Applicant has clarified the claim by amending it to recite a method of "cleaning" natural teeth or a dental prosthetic. This amendment is supported on page 1, line 5 of the published specification. Regarding the Action's allegation that claim 11 is unclear, Applicant submits that claim 11 is directed to a dentifrice composition that can specifically include a silica abrasive in larger amounts than 0-5 wt% provided that it has an RDA of below 30 (see line 36, on page 6).

Applicant submits that the claims are clearly defined and that rejection under Section 112, second paragraph, be withdrawn.

Claims 1, 12-15 and 17-20 have been rejected under 35 U.S.C. §102(b), as being anticipated by EP 0 002 184 ("the '184 application"). Reconsideration and withdrawal of the rejection are respectfully requested.

The '184 application claims the use of polyphosphate granules to intensify the effects of tooth cleaning agents for faster removal of tartar and/or staining. Conventional toothpaste formulations containing these tooth cleaning agents will not have very low levels of abrasive and consequently this will inherently produce RDA levels much higher than those claimed in the present invention of below 30.

Claims 1, 12-15 and 18-20 have been rejected under 35 U.S.C. §102(b), as being anticipated by JP 01237700 ("the 700 application"). Reconsideration and withdrawal of the rejection are respectfully requested.

The '700 application does not teach dentifrice compositions comprising 0.1% to 50% of sodium tripolyphosphate. Rather, it discloses 0.1% to 5%. It is correct that an RDA and IVSR value will be inherent to the compositions disclosed in '007 application, but not an RDA of below 30 and an IVSR greater than 50 (when compared to a control), as claimed herein.

Claims 1, 12-15 and 17-20 have been rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent 4,996,042, issued February 26, 1991 to Wagner ("Wagner"). Reconsideration and withdrawal of the rejection are respectfully requested.

Applicant urges that Wagner does not teach anything about cleaning efficiency or stain removal. Wagner is only concerned with calculus-reducing activity and healthy gums. This will not therefore, lead to an efficient tooth cleaning composition with a particularly high IVSR value, and certainly not one that is greater than 50 (when compared to a Control) as claimed in the present invention.

Claims 1, 11-16, and 18-20 have been rejected under 35 U.S.C. §102(e), as being anticipated by U.S. Publication No. 2003/0133882 in the name of Kostinko et al. ("Kostinko"). Reconsideration and withdrawal of the rejection are respectfully requested.

Applicant does not understand the relevance of Kostinko. The specification is directed to a dentifrice with an RDA value of between 50 and 200. There is absolutely no teaching of a dentifrice having an RDA value of below 30.

Because none of the documents including the '184 application, the 700 application, Wagner or Kostinko teach or suggest the each and every element of the claims, the claims cannot be said to be anticipated by these documents. Therefore, reconsideration and withdrawal of the rejections of the claims under Sections 102(b) and 102(e) are requested.

Claim 16 has been rejected under 35 U.S.C. §103(a), as being unpatentable over the '184 application in view of Kostinko. Reconsideration and withdrawal of the rejection are respectfully requested.

As discussed above, there is no teaching or suggestion in Kostinko of a dentifrice with an RDA value below 30. Indeed, Kostinko teaches RDA values between 50 and 200, well above the claimed value of below 30. Therefore, one of skill in the art would not have been motivated to combine the teaching in Kostinko with the teaching in the '184 application, let alone choose pentasodium tripolyphosphate as the

chelating agent in a dentifrice with an RDA value below 30. Favorable reconsideration of the rejection is requested.

Claims 1, 12-15 and 18-20 have been rejected under 35 U.S.C. §103(a), as being unpatentable over the '007 application. Reconsideration and withdrawal of the rejection are respectfully requested.

As stated above, the '007 application discloses a range of sodium tripolyphosphate as 0.1 to 5%, not 0.1 to 50%. While the correct range does overlap with the instantly claimed range of 0.1 to 20%, a skilled person reading the '007 application would understand that the disclosure refers to a standard dentifrice, i.e., one with standard amounts of abrasive, usually around 20%. Therefore, there is no teaching in the '007 application of zero or even low levels of abrasive in its dentifrice. Therefore, without a teaching of an abrasive in the amount of 0-5%, one would not expect the dentifrice of the '007 application to have an extremely low level RDA (below 30) as in the claimed invention. Also, the '007 application does not refer to cleaning efficacy or stain removal and relies on the use of the silver ion to suppress the formation of plaque.

The skilled person would not arrive at the present invention from the '007 application as it would be clear that low RDA levels and high IVSR levels in the range presently claimed would not be achieved with the composition disclosed therein. Therefore, a *prima facie* case of obviousness has not been established. Favorable reconsideration of the rejection is requested.

Claims 1, 12-15 and 17-20 have been rejected under 35 U.S.C. §103(a), as being unpatentable over the '184 application. Reconsideration and withdrawal of the rejection are respectfully requested.

At page 1, second paragraph, the '184 application clearly states that tooth treatment agents (like sodium tripolyphosphate) are "in addition to the abrasives usually contained in toothpastes." Further, in paragraph 1 of page 2, there is disclosure that makes it clear to the skilled artisan that the '184 application is only concerned with standard or conventional toothpastes, i.e., "commercial toothpastes" that contain the usual amounts of abrasive materials. In Example 2, using the fine granule polyphosphate alone, the disclosure teaches that "the teeth are cleaned additionally with this". . . . "then reverting to the use of the toothpaste alone". Applicant urges that this indicates that the polyphosphate cannot replace the use of toothpaste. Applicant believes that the '184 application teaches that sodium tripolyphosphate alone will not provide the sufficient cleaning power of a conventional toothpaste. This is in contrast to what the present inventors surprisingly found. Therefore, the '184 application teaches away from the instant invention. A *prima facie* case of

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obviousness has not been established. Favorable reconsideration of the rejection is requested.

In view of the foregoing, favorable reconsideration of claims 1 and 11-20 and allowance of this application are earnestly solicited.

Respectfully submitted,

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